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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,298	09/15/1999	JEFFREY M. HARRINGTON	4965.00	8579

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER

STONE, JONATHAN D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/397,298

Applicant(s)

HARRINGTON, JEFFREY M.

Examiner

Jonathan D Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4-6,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 9/15/99.
2. IDS filed on 9/22/00 (paper 2).
3. Preamendment A filed on 9/14/00 (paper 3).
4. IDS filed on 2/13/01 (paper 4).
5. IDS filed on 2/07/01 (paper 5).
6. IDS filed on 9/14/01 (paper 6).
7. IDS filed on 1/30/03 (paper 8).
8. Election filed on 3/17/03 (paper 9).
9. Claims 1-21 and 23-70 are pending in the case. Claims 1 and 17 are independent claims.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-21, 23-29, and 31-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al (herein Hidary; USPN 5774664 – filing date 3/25/1996) in view of O'Brien et al (herein O'Brien; USPN 6055569 – filing date 1/27/1998).

11. **Regarding independent claims 1 and 17**, Hidary teaches receiving an instruction to retrieve a web page using an address and further retrieving the information. URLs and web

browsers are used to retrieve the information, which is then shown on a display (col 3, ln 26-38; compare with "*A method...using the address;*"). Hidary teaches displaying the page based on particular criteria as indicated by being displayed at a particular time (col 3, ln 32-37; compare with "*commanding...criteria.*").

Hidary does not explicitly disclose constructing the web pages prior to display. However, O'Brien does disclose downloading pages and storing them in a memory cache (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the Hidary and O'Brien. This would have improved the supplemental data's display speed by preparing web pages ahead of time. This would be especially useful to users who may have slower network connections.

12. **Regarding dependent claims 2, 5, 6, 18 and 21**, Hidary teaches receiving timer event information that indicates when a web page is displayed when web pages are shown at appropriate times (col 3, ln 32-37) and when URLs are scheduled to be transmitted to a user (col 3, ln 42-52). Hidary does not explicitly disclose trigger event information being downloaded and the web page being generated on the trigger. He does, however, disclose the aforementioned scheduling. When specific times of the day occur, appropriate information is sent and received. This time event driven action is comparable to the claimed time expiration actuator.

13. **Regarding dependent claims 3 and 19**, Hidary teaches utilizes timing information to indicate when URLs are to be transmitted and subsequently displayed (col 3, ln 42-52). The

invention sends a command for the retrieval and subsequent display of a web page when the scheduled time is reached.

14. **Regarding dependent claims 4 and 20**, Hidary teaches addresses comprising URLs (col 3, ln 29-30).

15. **Regarding dependent claims 7 and 23**, as per the rejection of claim 1, O'Brien teaches downloading and storing a web page in a memory cache.

16. **Regarding dependent claims 8 and 24**, Hidary teaches a web browser retrieving web page information (col 3, ln 30-32).

17. **Regarding dependent claims 9-13 and 25-29**, Hidary teaches embedding addresses, which instruct a web page to be displayed, in a video program (col 3, ln 25-32 and col 4, ln 30-35). Hidary discloses displaying both the web page and video simultaneously (col 3, ln 30-37), displaying them on a computer monitor or television set, and displaying each on a different display apparatus (col 8, ln 45-52).

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18. **Regarding dependent claims 15 and 31**, Hidary teaches implementing his invention in networks including the Internet, private networks, and wireless networks (col 6, ln 39-41). He also teaches the delivery of program data in which the addresses are embedded via any transmission means, including satellite, cable, wire, or television broadcast (col 4, ln 35-39). It was known and typical in the art at the time of the invention for PCs, TVs, cable boxes, satellite boxes, radios, telephones, answering machines, wireless phones, wireless Internet devices, telephony devices for the deaf, and PDAs to all be common devices for receiving and sending signals using the transmission means disclosed by Hidary. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Hidary's invention in the listed devices. This would have fully utilized the invention's ability to be implemented in various transmission situations and would have allowed users limited to specific devices to use the invention.

19. **Regarding dependent claims 16 and 32**, Hidary teaches his invention as enabling advertisers to directly send their Web advertisements to users (col 2, ln 24-65). Hidary also disclose on-line systems as offering a variety of content, including news, games, job services, and more (col 1, ln 21-28). It was known and typical in the art at the time of the invention for on-line systems such as the Internet to provide a plethora of content.

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20. **Regarding dependent claims 33-35**, these claims fully incorporate the rejection of claim

1. O'Brien discloses downloading a plurality of pages predicted most likely to be selected and storing them in a memory cache (abstract).

21. **Regarding dependent claims 36 and 43**, Hidary discloses retrieving a page due to a URL delivered in a program that is sent as a data stream (col 3, ln 25-40).

22. **Regarding dependent claims 37 and 44**, Hidary teaches implementing his invention in networks including the Internet, private networks, and wireless networks (col 6, ln 39-41). He also teaches the delivery of program data in which the addresses are embedded via any transmission means, including satellite, cable, wire, or television broadcast (col 4, ln 35-39).

23. **Regarding dependent claims 38 and 45**, Hidary teaches presenting a user interface to user that can be used to control retrieving instructions (col 5, ln 47-64).

24. **Regarding dependent claims 39 and 45, 41 and 48**, the claims incorporate substantially similar subject matter as claims 11 and 13, respectively, and are rejected along the same rationale.

25. **Regarding dependent claims 40, 42, 47, and 49**, Hidary discloses synchronizing the display of the program and web page (abstract).

26. **Regarding dependent claim 50-51**, the claims incorporate substantially similar subject matter as claims 12 and 15, and are rejected along the same rationale.

27. **Regarding dependent claims 52 and 54**, the claims incorporate substantially similar subject matter as claim 10, and are rejected along the same rationale.

28. **Regarding dependent claims 53 and 55**, Hidary teaches receiving video programming in different manner (col 4, ln 36-39) and from a plurality of sources (col 5, ln 9-12).

29. **Regarding dependent claims 56-57**, Hidary teaches embedding instructions in a plurality of ways (col 4, ln 40-56).

30. **Regarding dependent claims 58 and 60**, Hidary discloses videos containing retrieving instructions residing on servers (col 5, ln 1-6).

31. **Regarding dependent claims 59 and 61**, the claims incorporate substantially similar subject matter as claim 15, and are rejected along the same rationale.

32. **Regarding dependent claims 62-70**, Hidary teaches displaying web page addresses on the display and saving a plurality of addresses in a list for future display (col 7, ln 66 – col 8, ln 17).

33. **Regarding dependent claims 59**, the claim incorporates substantially similar subject matter as claim 15, and is rejected along the same rationale.

Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of O'Brien and in further view of Butler et al (herein Butler; UK Patent App. GB 2327837A – publication date 2/3/1999).

34. **Regarding dependent claim 14 and 30**, Hidary does not explicitly disclose the web page being overlayed on the program. However, Butler discloses an invention that broadcasts a video stream and accompanying supplemental data in which the data comprises an HTML file with instructions for a hyperlink overlay on the video stream. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hidary and

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Butler. This would have provided further customization of the video stream by meshing the web page and the video together, providing a user with one area in which to focus instead of two.

Conclusion

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D Stone whose telephone number is (703) 305-7854. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications. Responses to this action may be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive
Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JDS
April 24, 2003


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100